

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 08-20397 JPM-dkv
)	
MICHAEL RAYMOND THOMPSON,)	
)	
Defendant.)	

ORDER ADOPTING REPORT AND RECOMMENDATION AND
DENYING DEFENDANT'S MOTION TO SEVER OFFENSES

This cause is before the Court on Defendant, Michael Raymond Thompson's Motion pursuant to Rule 14(a) of the Federal Rules of Criminal Procedure to sever Counts 1 and 2 of the superceding indictment and hold separate trials on the severed counts. The Court referred the Motion to the Magistrate Judge for Report and Recommendation. That Report and Recommendation was received on June 12, 2009. The Magistrate Judge recommended that the Court deny Defendant's Motion to Sever Counts 1 and 2 from Count 3.

On de novo review, the Court having considered the arguments of the government and of the defense, it appears that the facts contained in all three counts are intertwined and that the public has an interest in avoiding a multiplicity of litigation. Moreover, the Defendant has failed to show a compelling,

specific, and actual prejudice, nor has it been demonstrated that one trial would "compromise a specific trial right or prevent the jury from making a reliable judgment about guilt or innocence."

United States v. Hang Le-Thy Tran, 433 F.3d 472, 478 (6th Cir. 2006)(citing Zafiro v. United States, 506 U.S. 534, 539 (1993)).

Defendant's Motion to Sever is, therefore, DENIED.

ENTERED this 27th day of October, 2009.

s/ JON PHIPPS MCCALLA
CHIEF UNITED STATES DISTRICT JUDGE